

Cabinet
24 August 2011

<u>KEY DECISION</u> Yes
<u>DATE ADDED TO FORWARD PLAN</u> 15 July 2011

**JOINT REPORT OF THE DIRECTOR OF URBAN REGENERATION AND HOUSING
AND DIRECTOR OF MERSEYSIDE EAS
JOINT MERSEYSIDE AND HALTON WASTE DEVELOPMENT PLAN DOCUMENT -
COUNCIL APPROVAL OF PUBLICATION WASTE DPD**

WARDS AFFECTED

ALL

EXEMPT/CONFIDENTIAL ITEM

NO

1. PROPOSED DECISION

Cabinet is asked to recommend to Council: -

1. Note the results of consultation on the Waste Development Plan Document Preferred Options 2 (New Sites Consultation) Report.
2. Approve the Publication Document for the final six-week public consultation commencing late in 2011 followed by Submission to the Secretary of State.
3. Delegate District Officers within the Waste DPD Steering Group to make the necessary typographical changes to the Publication Document prior to submission of the Waste DPD and for any more substantial changes to be reported to Members through the appropriate scheme of delegation prior to Submission.
4. Confirm the spatial distribution of one sub-regional site per district.

2. JUSTIFICATION FOR THE DECISION

- 2.1 Government planning policy, the National Waste Strategy and Regional Spatial Strategy all require Development Plan Documents to address sustainable waste management. Through Planning Policy Statement 10 (Planning for Sustainable Waste Management) the Merseyside Districts are required to put in place a planning framework that identifies the locations for new waste management infrastructure to meet the identified needs of that Council or a group of Councils.

- 2.2 In 2005, the Leaders of the six Greater Merseyside District Councils agreed that the waste planning matters for the sub-region would most effectively be addressed through formal collaboration in preparing a Joint Waste Development Plan Document (Waste DPD). Consequently, the six Merseyside Authorities of Halton, Knowsley, Liverpool, Sefton, St. Helens and Wirral have entered into a joint arrangement to prepare the Waste DPD. It is the sub-region's first joint statutory land use plan and will guide future development of waste management and treatment facilities across Merseyside and Halton.
- 2.3 The Waste DPD is primarily focused on (i) providing new capacity and new sites for waste management uses and (ii) delivering a robust policy framework to control waste development.
- 2.4 The scope of the Waste DPD is to deal with all controlled waste including commercial and industrial, hazardous, construction, demolition, excavation and municipal waste. Waste management requirements include reception, recycling, treatment and transfer activity all designed to minimise the amount of waste requiring final disposal. This amounts to approximately 4.5 million tonnes of material each year. Of that approximately 800,000 tonnes arises from local authority collected waste. The recycling, treatment and disposal of local authority collected waste is the responsibility of the Merseyside Waste Disposal Authority and Halton Council.
- 2.5 The Waste DPD aims to deliver significant improvements in waste management across the sub-region whilst also diverting waste from landfill. Specifically, the Waste DPD will provide Districts with a high degree of control through its land allocations and policies to direct the waste sector to the most appropriate locations, primarily on allocated sites. It therefore will provide industry with much greater certainty to bring forward proposals that are more likely to be acceptable to the Districts.
- 2.6 The Publication Document is the final consultative stage in Plan preparation and follows completion of the Preferred Options 2 consultation.

3. FACTS SUPPORTING THE PROPOSED DECISION

- 3.1 A 6-week Preferred Options 2 consultation was completed in June 2011. The scope of the consultation was limited to only four new sites proposed to be allocated for waste management uses the other sites having already been approved. Large sub-regional sites were consulted upon in Halton, Liverpool and St. Helens and a smaller local site in Sefton. All sites consulted upon were identified as replacement sites to ones that had previously been deleted as a consequence of public consultation at the previous Preferred Options stage or subsequent Member decisions.
- 3.2 A total of 2930 consultation responses were received as well as 1 petition with 4259 signatures. The responses received across the sub-region are summarised below. A more detailed analysis, including originating postcodes etc is available in the Results of Consultation Report (Appendix 1).

Table 1: Number of Consultation Responses

District Site	Support Strongly	Support	Oppose	Oppose Strongly
Sandwash Close, Rainford, St. Helens	5	7	26	2604
Atlantic Park, Bootle, Sefton	76	62	13	37
Widnes Waterfront, Halton	130	52	12	38
Garston, Liverpool	78	71	9	42

- 3.3 No significant issues arose from the proposed allocations in Halton, Liverpool and Sefton. Consultation responses were received from waste operators and landowners including two statements expressing specific concerns as to the soundness of the Plan. The grounds provided for challenging the soundness of the Plan are not considered to be strong.
- 3.4 A very considerable degree of local community and business opposition was experienced for the replacement sub-regional site in St. Helens with an estimated 2573 consultation responses from the immediate locality, with 2569 (99%) being opposed or strongly opposed to the proposed allocation. The Waste DPD team, along with colleagues from St. Helens, have analysed and considered all the responses received. As part of this process and to demonstrate a continuing high degree of transparency, all reasonable planning matters and consultee concerns have been thoroughly re-examined.
- 3.5 A number of specific issues were raised in objection to the Sandwash Close site, all of which are addressed in the Results of Consultation Report (Appendix 1). The results of consultation report which can be found at <http://merseysideeas-consult.limehouse.co.uk>. One of these concerns relates to site selection and the appropriateness of other sites in St. Helens to be the sub-regional waste site. A report is attached "St. Helens - Other Potential Sites" at Appendix 2 and this considers the key deliverability issues for the 7 alternative sites. The report highlights the constraints of these alternative sites and Members should note these in their consideration of the acceptability of the Sandwash Close site as the proposed sub-regional waste site to be allocated as part of the Waste DPD.
- 3.6 In addition to the report on alternative sites, one other report is attached which provides an evaluation of the highways issues raised in objection to the proposed allocation (Appendix 3). The assessment has considered the site as an allocation and the level of detail associated with an allocation (there is no planning application which would provide specific details regarding highway issues). The report does not consider that highway issues prevent the allocation of the Sandwash Close site for a sub-regional site allocation in the Waste DPD.
- 3.7 When assessing the suitability of the Sandwash Close site for allocation as a sub-regional site in the Waste DPD it is important to note that there is extant

planning permission to develop the site for a mixed B1 (office) use, B2 (industrial) use and B8 (warehousing) use. There is therefore a “fall back” position whereby the development of the site has already been accepted. This has an associated impact on issues such as the local highway network. Therefore the consideration of any future development, i.e. a waste development, must be considered against the existing planning permission on the site.

- 3.8 No significant planning, procedural or deliverability issues have come to light as a consequence of this re-assessment, nor as a result of the consultation responses received which make this sub-regional site unacceptable or require that a new site be selected. Consequently there is no technical case to remove this proposed sub-regional allocation.
- 3.9 It is proposed all four new sites which were the subject of Preferred Options 2 consultation will therefore be included within the Publication version of the Waste DPD alongside those moving forward from Preferred Options 1. This gives a total of 6 sub-regional sites (1 per District, >4.5 hectares in area) and 13 local sites proposed as allocations (see table 2 in section 3.26 of this report) for built facilities.

Publication and Submission of the Waste DPD

- 3.10 The Publication Stage of the Waste DPD is the final 6-week consultation stage whereby the consultees can submit comments. Comments can only be submitted on the basis of “soundness matters” and can relate to technical content or procedural matters (i.e. the process by which the Waste DPD has been prepared).
- 3.11 At Publication Stage the 6 Districts are required to formally approve the Waste DPD as a Council document and part of their Local Development Framework. The proposed timetable for the 6-week Publication consultation starts at the beginning of November. All consultation processes are carried out in accordance with each Council’s Statement of Community Involvement.
- 3.12 A report is due to be taken to Liverpool City Regional Cabinet during the approvals process as this is a joint undertaking.
- 3.13 Submission of the Waste DPD to the Secretary of State follows shortly after the consultation has closed on the Publication document, once the representations received have been considered and collated. At this stage the Waste DPD team and Districts are able to set out how it intends to respond to any soundness issues raised. Upon Submission to the Secretary of State, the formal examination of the Waste DPD starts with the appointment of an independent Planning Inspector. This is not a consultative process but one of rigorous examination of any soundness matters raised at Publication stage or that the Planning Inspector chooses.
- 3.14 The requirements of the Act and as set out in PPS12 para 4.51 and 4.52 is that the plan is “sound”. To be “sound” a plan should be justified, effective and consistent within National Policy. To be justified it must be: -

- Founded on a robust and credible evidence base
- The most appropriate strategy when considered against the reasonable alternatives.

To be effective it must be: -

- Deliverable
- Flexible
- Able to be monitored

3.15 In terms of the issue of alternatives PPS12 para 4.38 sets out: -

“The ability to demonstrate that the plan is the most appropriate when considered against reasonable alternatives delivers confidence in the strategy. It requires the local planning authority to seek out and evaluate reasonable alternatives promoted by themselves and others to ensure that they bring forward these alternatives which they consider the LPA should evaluate as part of the plan making process. There is no point in inventing alternatives if they are not realistic. Being able to demonstrate the plan is the most appropriate having gone through an objective process of assessing alternatives will pay dividends in terms of easier passage for the plan through the examination process. It will assist in the process of evaluating the claims of those who wish to oppose the strategy”.

3.16 Members should note that given timescale pressures it is normal at this stage to seek Full Council approval of Submission in tandem with Publication. Delegated authority is also sought for officers from the Waste DPD Steering Group to make typographical changes and, for more substantial changes to be addressed through the appropriate scheme of delegation for each District.

Contents of the Publication Waste DPD

- 3.17 Members are reminded that the content and issues to be addressed within the Waste DPD are governed by the requirements of national planning policy and waste strategy, particularly Planning Policy Statements 10 and 12. The Waste DPD is also supported by a large evidence base of technical assessments and reports ranging from Equality Impact Assessments to Sustainability Appraisals. Appendix 4 provides a list of the technical appendices that are publicly available within the web site (<http://merseysideeas-consult.limehouse.co.uk>) as downloadable resources. Alternatively paper copies can be made available for inspection.
- 3.18 The Waste DPD lists all relevant existing operational licensed waste management and disposal facilities within Merseyside and Halton. The Waste DPD site allocations proposed in Table 3 are additional to these existing sites.
- 3.19 The Vision and Strategic Objectives of the Waste DPD were established at the Spatial Strategy and Sites and Preferred Options 1 consultation stages. These are being taken forward virtually unaltered and are set out in Section 3.2 of the Publication Document.

- 3.20 Chapter 2 summarises the evidence base whereby current and projected waste management capacity needs are identified over a 15 year period to 2027 taking into account changes in waste arisings, progress with new waste infrastructure and the effects of policy and legislative change. The Waste DPD then forecasts what waste management capacity and sites are needed to divert, minimise, recycle, treat, reprocess and finally dispose of the waste arisings on Merseyside and Halton.
- 3.21 Government policy and independent planning advice make it clear that it is necessary for the Waste DPD to have sufficient flexibility to take account of changes in waste management needs and also is able to accommodate some loss of allocated sites to other uses during the Plan period. The level of need and how it is expressed in proposed allocations has already been agreed by Members at the Preferred Options stage. The proposed allocations set out in Table 3 are the minimum level of allocations necessary to meet identified needs and policy requirements.
- 3.22 Both the Vision and Strategic Objectives strive for Merseyside and Halton to become self-sufficient in waste management over the plan period.

Site Allocations

- 3.23 Chapter 4 sets out the approach to site prioritisation and identifies the site allocations. Identification of sites for waste management use is an essential and challenging part of the Waste DPD. Therefore, a policy (WM1) has specifically been inserted to ensure that the waste management industry is directed towards site allocations and sets out a series of rigorous tests that need to be met by potential developers. The policies relating specifically to sites are shown in Table 1.

Table 2: Site-related Policies in the Waste DPD

Policy Number	Purpose & content
WM1	Guide to Site Prioritisation – primarily guides developers to allocated sites before considering other areas of search or unallocated sites.
WM2	Sub-regional Site Allocations – identifies the sub-regional site allocations.
WM3	District Site Allocations – identifies the district site allocations
WM4	Allocations for Inert Landfill – identifies the inert landfill allocations
WM5	Areas of Search for Small-scale Waste Management Operations and Re-processing Sites – identifies favoured areas of search for other small-scale waste management operations.
WM6	Additional HWRC Requirements – defines criteria for identifying further HWRC facilities within the City of Liverpool.

- 3.24 The site allocations included within the Waste DPD Publication document are set out in table 3. All of the sites have already been formally approved by Members at Preferred Options stages and subject to at least one public consultation process. All site allocations are supported by a technical assessment.

- 3.25 A good spatial spread of sites has been achieved such that there is one sub-regional site per district, with a variable number of smaller district-level sites per District. This pattern of site distribution has evolved over the course of several public consultations and cycles of Council approvals. Members are asked to formally confirm the approach of one sub regional site per District at Publication stage.
- 3.26 All sites identified are either vacant land suitable for new facilities or have the potential for significant modernisation and/or intensification of use to meet identified waste management need. All sites included as allocations have the support of the landowner / operator.

Table 3: Site Allocations in the Waste DPD

District	Site Reference & Name	Site Area (ha)
St Helens	S1 Land SW of Sandwash Close, Rainford Industrial Estate Sub-regional Allocation	6.1
	S2 Land North of TAC, Abbotsfield Industrial Estate	1.3
	S3 Bold Heath Quarry	40.3
Halton	H1 Widnes Waterfront Sub-regional Allocation	7.8
	H2 Eco-cycle, 3 Johnsons Lane, Widnes	2.0
	H3, Runcorn WWTW	1.2
Knowsley	K1 Butler's Farm, Knowsley Industrial Park Sub-regional Allocation	8.0
	K2 Image Business Park, Acornfield Road, Knowsley Industrial Park	2.8
	K3 Brickfields, Ellis Ashton Street, Huyton Business Park	2.3
	K4 Former Pilkington Glass Works, Ellis Ashton Street, Huyton Business Park	1.3
	K5 Cronton Claypit	22.3
Liverpool	L1 Land off Stalbridge Road, Garston Sub-regional Allocation	5.4
	L2 Site off Regent Road/ Bankfield Street	1.4
	L3 Waste treatment plant, Lower Bank View	0.7
Sefton	F1 Alexandra Dock, metal recycling site Sub-regional Allocation	9.8
	F2 55 Crowland Street, Southport	3.6
	F3 Site North of Farriers Way, Atlantic Business Park	1.7
	F4 1-2 Acorn way, Bootle	0.6
Wirral	W1 Car Parking/ Storage Area, former Shipyard, Campbeltown Road Sub-regional Allocation	5.9
	W2 Bidston MRF/ HWRC, Wallasey Bridge Road	3.7
	W3 Former goods yard, adjacent to Bidston MRF/ HWRC, Wallasey Bridge Road	2.8

- 3.27 A site profile including a map and the information shown in Table 2 is included in the Publication Document and is supported by technical assessments as

part of the evidence base. These assessments include amongst other matters sustainability and effects on European nature conservation designations.

Landfill

- 3.28 The opportunity for final disposal of non-inert waste to landfill within Merseyside and Halton is extremely limited due to land use constraints alongside geological and hydrogeological limitations. Detailed technical assessment has concluded that there are no opportunities within Merseyside and Halton for non-inert landfill disposal, and therefore there are no allocations for this purpose. Over time as behaviour changes in terms of the quantities and types of waste produced and as new treatment facilities become operational the reliance that Merseyside and Halton have on exporting non-inert waste to landfill will decrease. The Waste DPD therefore will be based on a continuing but decreasing export of non-inert landfill to existing operational sites outside of the area throughout the Plan period.
- 3.29 St.Helens has an existing landfill site, Lyme and Wood Pit, however planning permission expires on June 2012. As a result of the limited lifetime of the site (as granted planning permission) the site has not been assumed as continuing to receive waste after this date for the purposes of consented capacity in the Waste DPD.
- 3.30 Merseyside and Halton do however have the potential to provide final disposal sites for inert waste. Two sites, both of which are existing active minerals operations are proposed as inert landfill allocations to meet the continuing, but decreasing, quantities of inert waste at Cronton Clay Pit (K5) and Bold Heath Quarry (S3). As fiscal and waste diversion pressures continue to impact on this waste stream, it is expected that relatively modest quantities of inert waste will be deposited at these sites over time, as most inert waste can be recycled and reprocessed into new recycled products and raw materials.

Policies

- 3.31 Chapter 5 sets out the policy framework intended to provide industry with a high degree of certainty and some flexibility in coming forward with proposals for new waste management infrastructure. The policies also set the bar high in terms of the very tight control that the Local Authorities will exercise over waste management activities and these policies strongly direct the waste management industry towards allocated sites. Table 3 summarises the key Waste DPD policies.

Table 4: Development Management Policies in the Waste DPD

Policy & Page number	Purpose and content
WM7	Protection of Existing Waste Management Capacity – to ensure that the existing essential waste management capacity is maintained to serve the needs of Merseyside and Halton.
WM8	Waste Prevention and Resource Management – to promote the prevention of waste and make efficient use of waste for all developments.

WM9	Design and Layout for New Development – for all new non-waste developments to enable the easy and efficient storage and collection of waste.
WM10	Design and Operation of New Waste Management Development – to ensure high quality design and operation of new waste management facilities to minimise impact of local communities.
WM11	Sustainable Waste Transport – to minimise and mitigate the impacts of waste transport on local communities.
WM12	Criteria for Waste Management Development – sets out the criteria against which all waste management proposals will be assessed.
WM13	Waste Management Applications on Unallocated Sites – sets out the criteria that must be addressed for sites brought forward on unallocated sites.
WM14	Energy from Waste – states that no large EfW facilities are needed but makes provision for small-scale EfW that serves an identified local need for energy or heat.
WM15	Landfill on Unallocated Sites - sets out the criteria that must be addressed for landfill proposals brought forward on unallocated sites.
WM16	Restoration and Aftercare of Landfill sites –sets out the information requirements for planning restoration and aftercare of landfill sites.

3.32 The Waste DPD policies are designed to work with and not duplicate the District specific policies in their Core Strategy and other Development Plan Documents.

Implementation and Monitoring

3.33 The Waste DPD is required by planning policy (PPS12) to include an implementation plan and monitoring arrangements and these are set out in Chapter 6 of the Publication document. Responsibility for implementation principally lies with the Local Planning Authority with support from Merseyside EAS, Waste Collection Authorities, MWDA, landowners and the waste industry.

Next Steps

Examination in Public:

3.34 The Public Examination is a formal part of the plan making process, and starts upon Submission of the Waste DPD to the Secretary of State. A Planning Inspector is appointed by the Planning Inspectorate and the Waste DPD team will need to provide a secretariat for the Examination Hearing process including resources, a Programme Officer and a venue for the Inspector and their team and the formal hearing.

3.35 On the basis of the current work programme, the Examination Hearing is planned for May 2012. We expect to receive the Inspectors' Report 13 weeks after the completion of the Examination.

Adoption:

3.36 The Waste DPD will need to be formally adopted, like all other statutory planning documents, by each of the Merseyside Districts as part of the adopted statutory development plan. Adoption is likely to take place in November 2012.

4. RISKS ASSOCIATED WITH THE PROPOSED DECISION

Failure to agree to the proposed public consultation exercise Publication version of the Waste DPD and will result in delays in the delivery of the DPD.

Without an adopted Waste DPD St. Helens will not have a policy framework with which to direct and assess planning proposals for waste developments. Without this it will be more difficult for the Council to refuse proposals it considers unacceptable.

5. OTHER IMPLICATIONS

Legal – None

Financial - Final costs for the preparation of the Waste DPD have already been agreed with the Districts and appropriate budgetary provision has been made including the Examination In Public. Currently no additional preparation costs are anticipated.

Human Resources - None

Land and Property (Asset) – None

Anti-Poverty - None

Effects on existing Council Policy – Supports the Local Development Framework

Effects on other Council Activities - None

Human Rights - None

Agenda 21 – The Merseyside Joint Waste Development Plan Document will provide a statutory framework to provide waste disposal facilities across Merseyside and to determine planning applications for waste disposal facilities which will be submitted by the Merseyside Waste Disposal Authority or private operators.

The principles of sustainable development will be applied both to any necessary land allocations and to the determination of planning applications.

The Merseyside Joint Waste Development Plan Document is subject to statutory Sustainability Appraisal processes, including the requirements of Strategic Environmental Appraisal (SEA) and Appropriate Assessment under the Conservation (Natural Habitats &c (Amendment) (England and Wales)

Regulations 2006 Guidance for Regional Spatial Strategies and Local Development Documents (The Habitats Regulations as amended).

Equalities - None

Asset Management - None

Health - None

6. PREVIOUS APPROVAL/CONSULTATION

Approval of resources to support the preparation of the Waste DPD
Executive 29 June 2005

Approval to consult on Waste DPD Issues and Option
Executive 10 January 2007

Approval to consult on Waste DPD Spatial Strategy and Sites Report
Executive 17th September 2008

Approval to consult on Waste DPD Preferred Options Report
Executive 27th January 2010

Rejection of Lancotts Lane Site in Waste DPD Preferred Options Report
Council 14th July 2010

Approval to consult on Waste DPD Preferred Options 2 Report
Executive 5th January 2011

7. ALTERNATIVE OPTIONS AND IMPLICATIONS THEREOF

A continuing reliance on landfill as a principal means of disposal will attract increasing financial penalties through the landfill tax and the operation of the Landfill Allowance and Trading Scheme (LATS).

8. APPENDICES

1. Results of Consultation Report
2. St. Helens - Other Potential Sites
3. Assessments of Highways
4. List of Technical Appendices

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BACKGROUND PAPERS

The following list of documents were used to complete this report and are available for public inspection for four years from the date of the meeting from the Contact Officer named above:

Planning Policy Statement 10 – Planning for Sustainable Waste Management (ODPM, July 2005)

Planning for Sustainable Waste Management – Companion Guide to Planning Policy Statement 10 (ODPM, July 2005)

Planning Policy Statement 12 – Local Development Frameworks (ODPM. September 2004)

Waste DPD Issues and Options 2007

Waste DPD Spatial Strategy and Sites Report 2008

Waste DPD Preferred Options Report 2010

Waste DPD Preferred Options 2 Report 2011